

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ATHINA SOLOMOS,

Plaintiff,

vs.

TOWN OF CICERO, et al.,

Defendants.

Docket No. 07 C 3354

Chicago, Illinois  
July 2, 2008  
8:40 a.m.

TRANSCRIPT OF PROCEEDINGS - Status  
BEFORE THE HONORABLE REBECCA R. PALLMEYER

APPEARANCES:

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For the Defendants:

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1 THE CLERK: 07 C 3354, Sol omos versus Town of  
2 Ci cero for status.

3 MR. SPATARO: Good morni ng, Judge.

4 Judge, I am George Spataro. I represent the Town  
5 of Ci cero.

6 MR. TOBIN: Crai g Tobi n on behal f of i ndi vi dual  
7 defendants.

8 MR. PETKUS: Tom Petkus for the i ndi vi dual  
9 defendants.

10 MR. SPATARO: Judge, thanks for l etti ng me come  
11 today.

12 THE COURT: I am happy to have you come today.

13 Where i s pl ai nti ff' s counsel ?

14 MR. SPATARO: I can' t tel l you that.

15 THE COURT: Let' s gi ve her a cal l .

16 MR. SPATARO: I thi nk she cal led.

17 (Bri ef pause. )

18 THE COURT: Apparently she was i n an acci dent and  
19 wi ll be ten mi nutes l ate. We wi ll have to recal l i t when she  
20 gets here.

21 (Bri ef pause. )

22 THE COURT: Here she i s.

23 MS. KURTZ: Dana Kurtz for the pl ai nti ff.

24 MR. SPATARO: Judge, I woul d l i ke to -- can I hand  
25 up two thi ngs to your cl erk, pl ease?

1 THE COURT: Sure.

2 MS. KURTZ: Can I know what they are?

3 MR. SPATARO: Sure. They are my two June 2 letters  
4 to you and my June 6 -- 4th letter to you and the documents  
5 that were produced for Mr. Del Angel and Mr. Derek Dominick's  
6 personnel files.

7 (Documents tendered.)

8 MR. SPATARO: Judge, by the way, what I didn't hand  
9 up is -- I didn't hand up everything in these three binder  
10 books back here. There's three of them like this  
11 (indicating) that are full of all of the documentary  
12 production that has been sent and -- Bates stamped and sent  
13 to the plaintiff's attorney. There's three full volumes of  
14 them.

15 THE COURT: Wonderful.

16 It's not the volume. Ms. Kurtz says that some of  
17 the material that she expected to get, she hasn't gotten yet.  
18 I just want to make sure we get that straightened out.

19 MR. SPATARO: I can answer that. I know what I  
20 have been told that I needed to come ready to answer. I have  
21 got my answers written down for you, if I could just tell  
22 you.

23 If you recall, we convened court on -- I think it  
24 was the 22nd of May here in the courtroom. And you learned,  
25 just from the brief time that the parties spoke to you, that

1 this was going to be something that couldn't get done right  
2 away and that you wanted us to come back the next day.

3 I couldn't come back the next day because I was  
4 leaving that day on a flight to Denver, Colorado. So what we  
5 did was -- is, we had a telephonic conference -- yourself,  
6 myself, and attorney Kurtz -- on the 23rd of May.

7 And during that telephonic conference -- and the  
8 reason that I feel a little stifled is because I can't reach  
9 out for a transcript of this telephonic conference because I  
10 don't think that it was recorded in any fashion.

11 THE COURT: Correct.

12 MR. SPATARO: But at that time when we were talking  
13 about documents that needed to be produced and  
14 interrogatories that needed to be further answered, I  
15 explained to your Honor that when Larry Dominick came in on  
16 May 10th of 2005, as we were -- as he was coming into the  
17 town, the shredder trucks were leaving the town. And the  
18 prior administration, I think, disposed of lots of files and  
19 documents. They were shredded.

20 And the prior administration was the administration  
21 that had been appointed by Betty Loren-Maltese when she went  
22 to prison.

23 Not only can we not answer for them, but we can't  
24 produce what we don't have.

25 I explained to you that since Larry Dominick came

1 in on May 10th of '05, he appointed Derek Domi nick as the  
2 di rector of human resources, personnel di rector, whatever  
3 name you want to attach to it.

4 All the practices, all the procedures changed at  
5 that point in time.

6 So what I said to you was -- is that, number one,  
7 none of the plai nti ff's claims in this case have anything to  
8 do wi th anything done by the pri or admi ni strati on. All of  
9 her compl aints have to do wi th things that occurred since  
10 Larry Domi ni ck and Derek Domi ni ck and Del Angel came in.

11 So I expl ained to you that I coul d only produce  
12 everything from May 10 forward. And my recol lecti on -- and  
13 please, don't think that I am trying to be obsti nate and  
14 don't think that I am trying to be confrontati onal wi th you.

15 My recol lecti on is that you said that, okay, at  
16 thi s point you produce everything from 5-10 on, and then, if  
17 the plai nti ff thi nks she needs more, you guys work i t out.  
18 And I thi nk that that's the way i t went.

19 And I want to show you. If you look at what I  
20 handed you, the smal l packet, there are three documents at  
21 the top of the smal l packet. The fi rst one is a June 2  
22 l etter, next is a June 2 l etter, and next is a June 4 l etter.  
23 And if you look through those l etters, you wi ll find that I  
24 compl ied on the date you told me to.

25 Now, l et's not forget. I was in Denver, Col orado,

1 when I got your order. I got back in Chicago on the 27th of  
2 May. My birthday happened to have been the 29th of May, and  
3 I still was able to muster and do all of these things that  
4 you told me to do.

5 If you see, we had a conversation during our  
6 telephone call about the EEOC documents. Here's the EEOC  
7 documents. About the transfers of parking employment.

8 And I don't want to belabor this, but look all the  
9 way down to F on the first June 2 letter. It says "Bates  
10 stamped documents" number such and such to such and such,  
11 consisting of documents from defendant Del Angel's personnel  
12 file from May 10th of '05 to the present. Okay?

13 And if you look to the next document, which is our  
14 further answers to interrogatories, which is the June 2  
15 document, you will see that all of my interrogatories that  
16 you told me that I needed to additionally answer -- and it's  
17 the second June 2 letter -- all of them except No. 1, where I  
18 am just listing names of people, all of them are couched  
19 around the May 10, '05 date, which is the date I am positive  
20 that we spoke about.

21 And then, after I discovered a couple of more  
22 things -- in other words, I had to go and I had to find out,  
23 does Larry Dominick, as the president of the Town of Cicero,  
24 have a personnel file?

25 And on my June 4th answer, I wrote to attorney

1 Kurtz, and I said, "There is no personnel file. However, he  
2 has a pension file and a payroll file."

3 Judge, I can't imagine how the pension file and the  
4 payroll file for Larry Dominick -- in other words, it has the  
5 dates he gets paid and how much he gets paid. I can't see  
6 how that has -- what -- and then the Derek Dominick files, I  
7 gave her the Derek Dominick files since May 10 of '05.

8 And I wasn't trying to be -- to make up my own  
9 rules. That's not what I was trying to do. I was trying to  
10 follow yours.

11 And one other thing.

12 THE COURT: I think there has been a  
13 misunderstanding, Mr. Spataro.

14 I didn't think that you weren't -- that you hadn't  
15 complied or that you are not playing by the rules or that you  
16 are ignoring me. That's not why we are here.

17 We are here because yesterday, to my dismay,  
18 Ms. Kurtz says she still doesn't have what she needs.

19 So I think what we ought to hear from is Ms. Kurtz,  
20 and she can tell us what's missing, and then you could  
21 respond and say, it doesn't exist, or I produced it.

22 MR. SPATARO: Let me tell you just one last thing.

23 Since June 4th I haven't received a single letter,  
24 e-mail, document, motion, or nothing from Ms. Kurtz saying --

25 THE COURT: Okay. No Rule 37 conference?

1 MR. SPATARO: No.

2 THE COURT: Why don't you go out in the hall and  
3 have your Rule 37 conference right now and then step back in.  
4 Thank you.

5 MR. SPATARO: Judge, I am on trial. I am in the  
6 middle of a trial.

7 THE COURT: Ms. Kurtz, could you talk things over  
8 with Mr. Spataro quickly so that he can get back to his  
9 trial?

10 I don't want this to linger. I don't want it to  
11 linger.

12 MS. KURTZ: And I did send an e-mail after  
13 Domini ck's deposition that we still have not received certain  
14 documents.

15 THE COURT: You didn't get an e-mail.

16 MR. SPATARO: I don't have an e-mail saying  
17 anything about there are deficiencies with this.

18 Now, if we are going to go outside and she is going  
19 to say to me --

20 THE COURT: You know what? That's not going to  
21 happen.

22 Stop.

23 Tell me right now, Ms. Kurtz, what's missing.

24 MS. KURTZ: Your Honor, with respect to No. 1 from  
25 your order of 5-23-08 -- that's what I am going off of --



1 "Any other complaints of sexual harassment."

2 The only file we have received is with respect to  
3 Athina Solomos.

4 Derek Dominick testified that there were at least  
5 five other complaints that he was aware of, of sexual  
6 harassment. We are aware of Janidet Lujano, Sindy Mejia.  
7 Even in their answers to interrogatories, they referred to a  
8 Rosey Soldano, I believe. Her last name, I don't have the  
9 spelling.

10 None of those documents have been produced.

11 With respect to No. 2, answer to Interrogatory  
12 No. 10 also asks about other complaints of sexual harassment.  
13 Your order says, "Provide a 'yes' or 'no.' If the answer is  
14 'yes,' the additional specific information requested."

15 We do not have information as to the other  
16 complaints of sexual harassment. Other than Athina Solomos,  
17 Ms. Mejia, and Lujano, there is also the Rosey Soldano, and  
18 there were other questions with respect to those  
19 interrogatories that were not answered.

20 No. 3, the personnel files, "All persons who held  
21 plaintiff's job title." Those have not been produced.

22 We have José Del Angel, limited from May 10th of  
23 '05; Derek Dominick, limited from May 10th of '05; the  
24 plaintiff, which is -- her personnel file is quite thick, the  
25 entire file, not limited to May 10th of '05. But nobody

1 else. So that is 3(a).

2 "All persons in the town against whom complaints of  
3 sexual harassment have been made." We don't have that, which  
4 is 3(b).

5 3(c). "All persons who made decisions regarding  
6 discipline, transfer, or the evaluation of the plaintiff,  
7 including Fran Reitz." We don't have her personnel file.

8 All of the named defendants.

9 So I indicated we have José Del Angel and what they  
10 produced limited to May 10th, and to Derek Dominick.

11 Then, there is also No. 7 of your order, a  
12 privilege log identifying any documents withheld from  
13 production, if any. No privilege log was produced.

14 And an appropriate sworn verification of its  
15 interrogatory answers and document production. It was signed  
16 by an agent, but it was not verified.

17 MR. SPATARO: Judge, with regard to the privilege  
18 log, we can deal with that right away.

19 On my first June 2 letter, on the second page it  
20 says, "Cicero's answers to requests to produce that were sent  
21 to you by attorney Tomchey on January 29th, 2008, with  
22 287 Bates-stamped pages of documents recites that the answers  
23 to various requests that, 'certain responsive documents are  
24 protected from disclosure.' "

25 I have discussed this phrase with attorney Tomchey,

1 and she has informed me that she meant to say that there may  
2 be such documents, not that there are such documents that are  
3 not being produced.

4 So far, I have reviewed all documents collected and  
5 I have produced them to you, pursuant to your request and  
6 pursuant to the Court's limits as were stated in our May 23rd  
7 conference.

8 I am telling her that there is no privilege log to  
9 make. I have given her everything.

10 THE COURT: Okay. That's not quite the way I would  
11 read your letter, but you have now clarified. So that's  
12 fine.

13 We now have a determination. It's on the record.  
14 There aren't any documents being withheld. That's one issue  
15 that's been resolved.

16 What about the other complaints?

17 Apparently, as counsel explained a moment ago,  
18 there were other complaints of sexual harassment, five others  
19 of which she is aware. Documents have been produced with  
20 respect to plaintiff only.

21 MR. SPATARO: Judge, can I -- Mr. Tobin, with  
22 regard to what Derek Dominick said -- I wasn't at Derek  
23 Dominick's deposition. Mr. Derek Dominick is Mr. Tobin's  
24 client, and I know he wants to tell you something.

25 MR. TOBIN: Judge, Ms. Kurtz wasn't there, but

1 Derek Dominick did not testify that there were actually five  
2 complaints. What he said is, there is five or less.

3 THE COURT: Okay.

4 MR. TOBIN: It was actually a humorous moment  
5 because Ms. Kurtz's associate said, well, we know of three.  
6 He said, those are the three. I don't know if there's any  
7 more after that. I made a joke about she represents all of  
8 them anyway. Check your files. See if there's any more.

9 So Mr. Dominick did not assert there were five new  
10 claims at his deposition.

11 And I am just saying that because I did produce  
12 him. He has given a deposition.

13 We have had some things moved forward in this case.

14 THE COURT: Five or fewer have been --

15 MR. TOBIN: He actually said, I think it's three.

16 THE COURT: All right.

17 MR. TOBIN: She asked --

18 THE COURT: Fair enough. Stop at three.

19 Have the files on the three been produced?

20 MR. SPATARO: They are all three plaintiffs in  
21 three cases that attorney Kurtz represents.

22 THE COURT: I am sorry. I am not trying to be  
23 pedantic. That's not an answer to my question.

24 Have those documents been produced?

25 MR. SPATARO: Judge, it's my understanding that

1 what's been requested in this case has been produced. We  
2 produced things in the other two cases.

3 THE COURT: I apologize. There was a  
4 misunderstanding.

5 My order said -- and apparently it wasn't phrased  
6 clearly.

7 The documents from the other complainants should be  
8 produced in this case.

9 MR. SPATARO: Okay. I will produce them all in  
10 this case.

11 THE COURT: I will order, once again, that that  
12 happen, and I will direct that that happen within seven days.

13 MS. KURTZ: Your Honor, there is also Rosey Soldano  
14 that we are aware of. I do not represent Rosey Soldano.

15 And I am aware with respect to at least Lujano -- I  
16 don't know about Rosey Soldano with respect to who  
17 investigated that. But I know with respect to Lujano that  
18 the internal affairs or inspector general's office for the  
19 town investigated that. None of those documents have been  
20 produced with regard to the investigation.

21 MR. SPATARO: Judge, it's my belief, if I am  
22 recalling correctly, that in the beginning days of the trial  
23 that I am on, I received, I think, a complaint with a  
24 plaintiff named Rosey Soldano. Now, that's definitely the  
25 first time I learned about that.

1 I have been on trial since June 20th. So I am  
2 trying to keep up with the new things that happen in Cicero  
3 all the time, but --

4 THE COURT: So Ms. Soldano's complaint is  
5 brand-new?

6 MR. SPATARO: Yes, it's a brand-new complaint. I  
7 don't know if it's even filed --

8 THE COURT: Documents --

9 MR. SPATARO: -- in this court or in the state  
10 court. I don't recall that. S-a-l-d-a-n-o, I think it is.

11 THE COURT: Sometimes there are complaints even  
12 before a lawsuit is filed. Sometimes there are internal  
13 documents. That wouldn't be unusual.

14 So we would expect that the documents regarding the  
15 three plus Rosey Soldano be produced in this case to  
16 Ms. Kurtz. And I am going to direct that that happen within  
17 seven days.

18 MR. SPATARO: Judge, I can do that because we are  
19 not going to be having trial this Friday, and I can spend the  
20 4th working on that.

21 THE COURT: Okay. Let's talk about some of the  
22 other issues that were raised.

23 With respect to the May 10th, '05 date, I  
24 understand, from what you said a moment ago, that the  
25 previous administration destroyed documents or drove them out

1 of town on May 10th. And I don't think there can be any  
2 dispute that you can't produce documents that don't exist.

3 MR. SPATARO: Thank you.

4 THE COURT: That doesn't mean that if there are  
5 some documents that didn't wind up on this truck on the way  
6 out of town that the defendant isn't required to look for  
7 them.

8 MR. SPATARO: The three defendants in this case did  
9 not work for the Town during the prior administration.

10 THE COURT: Well, but the defendant --

11 MR. SPATARO: They all came in with Larry Dominick.  
12 During --

13 THE COURT: But the caption of the case -- is this  
14 wrong? Is the Town of Cicero still a party?

15 MS. KURTZ: Yes.

16 MR. SPATARO: Yes. Cicero, Larry Dominick, Derek  
17 Dominick, and José Del Angel.

18 THE COURT: So the Town of Cicero -- whether the  
19 previous administration took everything or 90 percent of the  
20 stuff or 50 percent of the stuff and drove it out of town,  
21 there may still be some materials in the custody of the Town  
22 of Cicero, which is a defendant.

23 MR. SPATARO: Okay.

24 THE COURT: So the individuals, right, they  
25 presumably don't have access to all the files. But the Town

1 of Cicero is a defendant and the Town would need to produce  
2 materials, if they haven't all been destroyed.

3 Obviously, once again, just a reminder, no need to  
4 produce something that doesn't exist. That would be  
5 impossible.

6 But any documents in the Town's possession, whether  
7 or not they predate May 10, if they are responsive, should  
8 be --

9 MR. SPATARO: From the personnel files?

10 THE COURT: Correct.

11 MR. SPATARO: Okay.

12 THE COURT: Now, there has been a further response  
13 to Interrogatory No. 10, the yes or the no?

14 MR. SPATARO: Yes, your Honor. And the further  
15 response to Interrogatory No. 10 was this. It's on Page 2.

16 THE COURT: Right.

17 MR. SPATARO: "Yes. Since May 10, plaintiff,  
18 Ms. Gross, Ms. Mejia, and Ms. Lujano have complained to  
19 Cicero about being alleged victims of discrimination based  
20 upon sex or sex-based discrimination. Investigation  
21 continues."

22 So now I think -- you know, now we have Rosey  
23 Soldano that can be added to this answer since June 2.

24 THE COURT: Okay. So there would be four.

25 But note that the order that I entered requires



1 that you provide the additional specific information that was  
2 requested in the interrogatories.

3 Remember -- if you go back to Ms. Kurtz's original  
4 interrogatory, she asked a question, "If 'yes,' provide" X,  
5 Y, Z. It's the X, Y, Z that's not here.

6 MR. SPATARO: I think it's in these volumes of  
7 documents that have been produced.

8 MS. KURTZ: If I may, your Honor?

9 I have the interrogatory. "If 'yes,' identify the  
10 type of discrimination alleged, the identity of the person  
11 making the complaint, the date the complaint was made, to  
12 whom, the disposition, and all communications that took place  
13 relating to said complaint."

14 THE COURT: Now, of course, that interrogatory  
15 hasn't been answered, Mr. Spataro.

16 MR. SPATARO: No.

17 THE COURT: Now, if the answers are all provided in  
18 documents, fine. But then your responsibility is to identify  
19 the documents in which that information is disclosed. That's  
20 the way to respond to that Interrogatory No. 10.

21 MR. SPATARO: I D all docs responsive. Okay.

22 THE COURT: Not responsive but that relate to those  
23 questions that Ms. Kurtz asked in Interrogatory No. 10.

24 MR. SPATARO: That have the answers in them to  
25 those questions.

1 THE COURT: Okay. Interrogatory -- the next item  
2 on the order refers to personnel files for persons who held  
3 plaintiff's job title, all persons in the town against whom  
4 complaints were made, and persons who made decisions  
5 regarding plaintiff, in addition to all defendants.

6 MR. SPATARO: Plaintiff's job title, Judge, is a  
7 parking enforcement officer. I mean, she is not -- I don't  
8 think that she had an exempt position or something higher  
9 than just an employee.

10 THE COURT: Right. So there are others in that  
11 slot, right?

12 MR. SPATARO: Oh, yeah. There are other parking  
13 enforcement officers.

14 THE COURT: Sure. And that's what was requested  
15 here.

16 MR. SPATARO: Can I redact out their home  
17 addresses and their --

18 THE COURT: Of course. Absolutely.

19 MR. SPATARO: -- and their social security numbers  
20 and all that?

21 THE COURT: In fact, Mr. Spataro, my order says,  
22 "provided that medical information, home addresses, social  
23 security, IRS information may be redacted from all these  
24 files." We have gone over this ground. I have already  
25 directed that material should all be redacted.

1 I do want this order complied with, so I am going  
2 to direct that No. 3 on my order be complied with, once  
3 again, within seven days.

4 MR. SPATARO: Okay.

5 THE COURT: All right. The next one is documents  
6 relating to reassignment of plaintiff or any other parking  
7 enforcement employee to the midnight shift.

8 Has that happened?

9 MS. KURTZ: Yes, Judge. I did not go over 4 or 5.  
10 I believe 4 and 5 have been complied -- we do have documents  
11 responsive to those.

12 We started at 7 with the privilege log that you  
13 addressed.

14 THE COURT: Privilege log is not a problem.  
15 And we still need a sworn verification of the  
16 interrogatory answers.

17 MR. SPATARO: Okay.

18 THE COURT: All right.

19 MS. KURTZ: Judge, the other thing we started to  
20 talk about was deposition dates.

21 We did send a notice of deposition for a number of  
22 depositions.

23 I understand Mr. Spataro is on trial. I sent him  
24 and Mr. Tobin an e-mail indicating all other available dates.  
25 And if those witnesses could not be available -- the dates we

1 I listed, Judge, were June 23rd; June 24th; June 30th;  
2 July 1st, 2nd, 3rd; and then July 17th.

3 And there was also a 30(b)(6) notice.

4 So I have given them some dates.

5 I understand Mr. Spataro is on trial, and we are  
6 trying to work out those dates with respect to those  
7 depositions.

8 MR. SPATARO: Judge, we have scheduled depositions,  
9 too, that have been unilaterally canceled by the plaintiff's  
10 counsel.

11 With regard to the 30(b)(6) -- is that the  
12 witness? -- we wrote -- I wrote a letter to attorney Kurtz,  
13 and I said the Town of Cicero is broken down into  
14 departments. And there is a person who has the most  
15 knowledge about each department, but there is no one person  
16 that has the most knowledge about every department.

17 And I think that she has already noticed the  
18 depositions of the persons with the most knowledge; i.e.,  
19 Holly Tomchey, Fran Reitz. Those are the people with the  
20 most knowledge. And their depositions have already been noticed by  
21 attorney Kurtz.

22 THE COURT: Then all you need to do is identify  
23 those individuals as the 30(b)(6) witnesses.

24 MR. SPATARO: Okay. So 30(b)(6).

25 May I mention one other thing?

1 THE COURT: Sure.

2 MR. SPATARO: I am on trial with my cocounsel  
3 Zimmer. The two of us make up basically a three-attorney  
4 litigation department. Two of us are on trial, and the other  
5 one is scrambling -- who you saw here yesterday -- scrambling  
6 to go to three people's court dates.

7 So the 17th of July date isn't a bad date, but we  
8 can't cram all the deps into that date.

9 We are scheduled to be on trial and end on the 11th  
10 of July, all things working. But I got to tell you, it's  
11 been going slow.

12 MR. TOBIN: Judge, could I give you a little  
13 positive spin on some of these things?

14 THE COURT: Sure. That would be great.

15 MR. TOBIN: We have begun the plaintiff's  
16 deposition, Ms. Solomos. We started late in the day, so it  
17 had to be continued.

18 Also, on the eve of her deposition, we received an  
19 audiotape which will be the subject of, hopefully, an agreed  
20 protocol to have examined.

21 Her dep, I assume there will be no problem in  
22 rescheduling. I talked to Ms. Kurtz about it. She has  
23 agreed.

24 We also took the deposition of a witness,  
25 Van Pratt, who was identified by the plaintiff as a witness

1 with knowledge.

2 I produced the defendant Derek Dominick, whose  
3 deposition has also gone forward.

4 So there has been an effort to move -- at least on  
5 our part, to move these forward.

6 One of the problems here is not just Mr. Spataro's  
7 schedule, but Ms. Kurtz's schedule and all the other lawyers.  
8 And there is going to have to be an opportunity to work out  
9 the remaining dates. And I think that we are all adults and  
10 we can manage to have that happen.

11 But we have been going forward on those that we  
12 could.

13 And there are probably some other discovery issues  
14 we will visit with you. This tape is going to be extremely  
15 important, I think, for both sides.

16 One of the defendants was tape-recorded unbeknownst  
17 to himself, and there is a lot of background noise and other  
18 discussions on the tape that we will need an expert to have  
19 examine the tape. But I would like to try to resolve that  
20 with Ms. Kurtz before I come to the Court.

21 With that, I think that the remaining defendants  
22 can be scheduled. We just have to work around everyone's  
23 schedule. And that shouldn't be too difficult.

24 THE COURT: Good. Well, it sounds like July 17th  
25 is a date at least -- on which at least some of the

1       depositions will take place.

2               What I would like to do is set a status the  
3       following week and see where you are at that point.

4               I know your discovery close date is July 31st.

5               Why don't we set a status for July 28th -- that's a  
6       Monday -- at 9:00 o'clock.

7               MR. SPATARO: July -- this happens to me every  
8       time. I am sorry.

9               I am scheduled to be out of town from the 25th  
10       through the 3rd.

11              THE COURT: Through the 3rd of August?

12              MR. SPATARO: Yes, ma'am.

13              THE COURT: All right. Well, then, why don't we do  
14       it a little earlier? How about the 22nd of July.

15              MR. SPATARO: Is that okay?

16              MR. TOBIN: I agree to anything. I don't have my  
17       calendar.

18              MR. SPATARO: Would that be an 8:30 status, Judge?

19              THE COURT: That would be 9:00 o'clock.

20              MR. TOBIN: Thanks for moving us up.

21              MS. KURTZ: Thank you, your Honor.

22              THE COURT: Thank you.

23              MR. SPATARO: Thanks, Judge.

24              MS. KURTZ: Again, I apologize to counsel and your  
25       Honor for being late.

1 THE COURT: No probl em.

2 MS. KURTZ: Thank you.

3 \* \* \* \* \*

4 I certi fy that the foregoi ng i s a correct transcript from the  
5 record of proceedings i n the above-enti tled matter.

6 F \_\_\_\_\_, 2008.  
7 Offi ci al Court Reporter

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